

REMARKS/ARGUMENTS

Claims 42-81 are presented for examination. Claims 42 and 62 are independent. Claims 1-41 were previously canceled without prejudice or disclaimer to the subject matter.

Reconsideration and further examination are respectfully requested.

Claims 42, 43, 45, 46, 60-63, 65, 66, 80 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0093563 (Pasquali) in view of U.S. Patent No. 5,959,621 (Nawaz); Claims 44 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pasquali, in view of Nawaz in view of U.S. Publication No. 2004/0162760 (Seet); Claims 47-59 and 67-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pasquali and Nawaz, in further view of U.S. Publication No. 2002/0113812 (Walker). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 42 recites a dynamic content user interface visibly displayed on a display of a computing device, comprising: a dynamic layer, the dynamic layer being generated for display within a web page displayed by a browser to a user on the display of the computing device, the browser in communication with a server, the web page comprising information in addition to the dynamic layer, the dynamic layer further comprising: a visible item display area and a visible summary display area, the summary display area comprising a plurality of entries, the content displayed in the item display area being associated with a selected one of the plurality of entries in the summary display area, the item display area being updated to reflect, upon selection by said user, a newly selected one of the plurality of entries in the summary display area, the item display area being updated without retrieving additional information from said server.

Pasquali's system for facilitating a windows based content manifestation environment (CME) within a world wide web (WWW) browser differs from the claimed subject matter of claim 42. Pasquali teaches a CME configured to manifest content via window modules arranged in table fashion. The window modules include web site (environment) controls provided to control the appearance and operation of a web site in a window. Each window module includes a control section and a content display section. The control section includes module control icons (MCs) which correspond to associated control logic for providing help, window minimization, window maximization, window cancellation or closure. As depicted in Figures 2A-2B of Pasquali, the MCs of the control section that are displayed are positioned within the

border of a window module used to display a web page, and are not positioned within the web page. The content display section provides an area to display the content of the web page.

Applicant respectfully submits that Pasquali's discussion of module control icons (MCs) displayed within the border (e.g., titlebar) of a window in which content of a web page is contained, whereby window module set up routines can be downloaded over a network either via connection with a server, that subsequently accesses an electronic data network at appropriate times, does not teach, suggest or disclose the claimed subject matter of claim 42.

By way of non-limiting example, in an embodiment, subject matter is directed to, and in stark contrast to Pasquali, a dynamic layer displayed within a web page, the web page being displayed in a browser, the web page also displaying additional information (see paragraphs [0040]-[0041] of the Specification of the instant application for support for this element). The claimed dynamic layer comprises an item display area and a summary display area, the dynamic layer capable of dynamically updating the information displayed in the item display area based on a selected summary in the summary display area, the item display area being updated without retrieving additional information from a server. The fact that the item display area is updated without retrieving additional information from a server provides a more enjoyable browsing experience because, at least in part, by way of non-limiting example, the user is not frustrated by having to wait for data to be obtained from a server.

In contrast to the elements recited in the present claims, Pasquali discloses a CME for window modules which display only specific web page information within the corresponding window module. Pasquali's window modules are merely the framework for displaying web pages. In stark contrast, the claimed user interface is implemented as part of a displayed web page displayed by a web browser, as recited in claimed 1.

Pasquali's MCs are displayed external to the display of a web page, whereas the claimed plurality of entries are displayed within a summary display area of a web page displayed by a browser. Applicant submits that Pasquali's MCs do not provide the functionality of the claimed plurality of entries. Applicant submits that Pasquali's MCs are absent from the window module, whereas the plurality of entries are displayed within the summary display area of a web page, as claimed.

Applicant further submits that Pasquali teaches away from the claimed subject matter which recites, *inter alia*, a visible item display area and a visible summary display area of a web page displayed by a web browser being updated without retrieving additional information from

said server. Paragraphs 0077-0084 of Pasquali teach the CME comprising HTML files and related files (e.g., included and referenced javascript files, etc.) are generated and stored within server side data storage facility, and subsequently communicated to client systems. The javascript files that form the basis of a software package and a corresponding windows based CME are downloaded along with web site source files to client systems and, in particular, to WWW browser clients via an electronic data network such as the Internet and WWW.

Alternatively, other web site source files may be maintained locally within client systems which, at appropriate times, access an electronic data network (e.g., the Internet and WWW, an intranet, or other networking environment, etc.).

Pasquali's CME environment comprises HTML, javascript, and web site source files being downloaded to client systems from a server via an electronic data network. This is not only in stark contrast to, but also teaches away from the display areas being updated without retrieving additional information from said server, as claimed, as Pasquali teaches establishing a constant communication between a client computer and web server to establish and maintain the CME environment. At best, Pasquali discusses web site source files alternatively being maintained locally on a client's machine; however, the web site source files still, periodically, access an electronic data network. As recited in the claims, a visible item display area and a visible summary display area of a web page displayed by a web browser are updated without retrieving additional information from said server. In contrast, Pasquali explicitly states that the HTML and javascript files for the CME environment are only stored in a server side storage facility, and even the web site source files, despite the alternative of maintaining them locally, still must access the network.

Furthermore, Pasquali specifically states that "window object(s) generated within the content manifestation environment may be updated and loaded with content received via the electronic data network without requiring the CME to be refreshed (e.g., without requiring screen refresh operations), and in real-time without requiring user intervention such as via hyper-link traversal". This further highlights the difference between Pasquali and the claimed subject matter. Albeit, the CME environment need not be refreshed, but there is a conceded real-time communication with a server for hyper-link traversal with a client system. Therefore, Applicant submits that Pasquali does not teach, or suggest the claimed subject matter reciting a visible item display area and a visible summary display area of a web page displayed by a web browser are updated without retrieving additional information from said server.

On page 3 of the Office Action, the Examiner concedes that Pasquali fails to teach the subject matter recited in claim 42 relating to the visible item display area and a visible summary display area. Applicant respectfully traverses the contention that Nawaz cures the deficiencies of Pasquali.

Nawaz's system for displaying data items in a ticker display pane on a client computer differs from the claimed subject matter of claim 42. Column 8, lines 13-53 and Column 9, lines 25-42 of Nawaz teach a scrolling ticker of data items, wherein data items presented in the ticker can comprise a hyperlink through which the user can obtain additional information about the item. Column 9, lines 20-24 Nawaz states that "...the data items displayed may include hyperlinks for retrieving and displaying documents related to the data item. For example, selecting data item 152 may provide more information about the New York vs. Baltimore game.". In other words, Nawaz teaches that if the user wishes to obtain information about the New York vs. Baltimore game, the user must wait for the system to retrieve the information from a server before the information can be displayed. By way of a highlighted difference, Nawaz teaches that the documents are periodically retrieved from a server at certain times upon request, whereas the present claims recite a visible item display area and a visible summary display area of a web page displayed by a web browser being updated without retrieving additional information from said server, as recited in claim 42.

Therefore, Applicant submits that Pasquali and Nawaz, taken alone or in combination, do not teach, disclose nor suggest the claimed subject matter of claim 42. Thus, because Pasquali and Nawaz do not teach or suggest the above claim elements, it is respectfully submitted that claim 42 is patentable over Pasquali and Nawaz, and Applicant respectfully requests that the Examiner withdraw the rejection. Nor could Pasquali and Nawaz, alone or in combination with any reference of record render Claim 42 obvious, as no such combination would yield all of the elements in the presently recited claims. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Pasquali and Nawaz is insufficiently presented.

For at least the foregoing reasons, Claim 42 and the claims that depend from claim 42 are believed to be in condition for allowance. In addition, for at least the same reasons stated above with respect to claim 42, independent Claim 62 is also believed to be in condition for allowance, and accordingly, the claims that depend from Claim 62 are also believed to be in condition for allowance.

Claims 44 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pasquali and Nawaz in view of Seet. It is respectfully submitted that the features described above with respect to Claims 42 and 62, from which Claims 44 and 64 depend, respectively, are applicable to these claims as well, and that Seet would not remedy these deficiencies. Therefore, Applicant submits that a combination of Pasquali, Nawaz and Seet would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Pasquali, Nawaz and Seet is insufficiently presented.

Claims 47-59 and 67-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pasquali and Nawaz, in further view of Walker. It is respectfully submitted that the features described above with respect to Claims 42 and 62, from which Claims 47-59 and 67-79 depend, respectively, are applicable to these claims as well, and that Walker would not remedy these deficiencies. Therefore, Applicant submits that a combination of Pasquali, Nawaz and Walker would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Pasquali, Nawaz and Walker is insufficiently presented.


Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserve their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: October 1, 2009



James DeCarlo
Reg. No. 36,120

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 34th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400